

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
GREENTREE REALTY, LLC,

Petitioners/Plaintiffs,

-against-

THE VILLAGE OF CROTON-ON-HUDSON, THE
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF
CROTON-ON-HUDSON, THE VILLAGE OF CROTON-
ON-HUDSON ZONING BOARD OF APPEALS, and
DANIEL O'CONNOR, in his official capacity, as the
VILLAGE BUILDING INSPECTOR,

Respondents/Defendants.
-----X

Environmental Claims
Part

Judge Leftkowitz

Index No.: 05-11872

FILED
AFFIRMATION IN
OPPOSITION TO
ORDER TO SHOW
CAUSE TO STRIKE
DEFENDANTS' COUNTY CLERK
ANSWER COUNTY OF WESTCHE
SEP 23 2014
KATHY C. IDONI

ROBERT E. B. HEWITT, an attorney duly licensed to practice before the Courts of the

State of New York, affirms the following statements to be true under the penalty of perjury:

1. I am an associate at the firm of MIRANDA SAMBURSKY SLONE SKLARIN
VERVENIOTIS LLP, attorneys for the defendants herein, and as such, am fully familiar with all
the facts and circumstances of this action.

2. This affirmation is based on my personal involvement in the matter described and
upon information and documents within my possession.

3. I make this affirmation in opposition to plaintiff's order to show cause seeking to
strike defendants' answer for failing to provide discovery. Contrary to Plaintiff's affirmation,
there was no good faith effort to resolve this discovery dispute post the conference that took
place before Your Honor. Not one effort was made to contact Your Affirmant. Moreover,
Plaintiff's contention that this office has delayed the case is absurd. Plaintiff's took no action in

this case for eight (8) years, and never responded to Defendant's outstanding discovery demands, which was pending for eight years. To date, no responses have been received to this office's discovery demands

4. Plaintiff fails to mention in its order to show cause that Defendants' Interrogatories and Document Demands dated October 17, 2005 (annexed hereto as Exhibit "A"), were duly served on October 17, 2005 and Plaintiff had failed to respond to said Interrogatories and Document Demands for almost eight years. This, despite good faith efforts to get Plaintiff to respond and multiple failed promises to respond (See Exhibit B). Plaintiff also fails to mention that on February 4, 2014, this office served discovery demands on Plaintiff's counsel. (Exhibit C). They were substantially similar to the unanswered demands served eight (8) years prior. To date, Plaintiff has completely failed to respond to those demands. Plaintiff clearly does not have clean hands in moving discovery forward in this case.

5. Although Plaintiff speaks of delay, this action was filed in 2005. Yet, as the Court can determine from a review of the docket, Plaintiff took no action in this case since 2006 until 2013. Literally nothing was done on this file by Plaintiff since an appeal was decided in 2007 until Plaintiff sought to file a Second Amended Complaint in 2013.

6. Then, in 2013, Plaintiff inexplicably attempted to have Judge Robert Spolzino, a Judge who had been part of a panel who decided three appeals in this or related cases, as the attorney at Wilson Elser handling this file. Although Judge Spolzino initially agreed to transfer the file to someone else at Wilson Elser, he reneged, forcing this firm to make a cross-motion

seeking his disqualification. That cross-motion was granted to the extent of requiring Judge Spolzino to hand over the file to other attorneys at the firm of Wilson Elser. That inexplicable decision to not to step aside further delayed this case an additional six months.

8. Plaintiff's counsel served a notice to admit and 223 discovery demands in this case. This firm timely responded to the notice to admit as admitted in Plaintiff's papers. (Contrary to Plaintiff's counsel's contentions, I never stated that there was no penalty for failing to response to a notice for discovery and inspection by telephone. In fact, I have never spoken to Mr. Flannery by telephone). However, the 223 discovery demands sought Town records going back to 1960, before the administration of John F. Kennedy, and seventeen years before Your Affirmant was even born. Practically every record ever associated with this property was sought, despite many of them being completely irrelevant to this action. Given the history of this case, Town records were held by the Town, multiple attorneys for the Town (former and current Town counsel), this firm, and in storage. It took quite some time to locate all of the records held by multiple parties and to review them. Unfortunately, and without any attempt to delay on this firm's part, and with every effort to comply with this Court's direction, production of documents was late. I have personally spent many long days pouring through records attempting to discover relevant documents and respond to over 60 years of discovery demands as well as handle my other files.

9. On July 18, 2014, I completed my review and response and have which Plaintiff's counsel will receive on July 21, 2014, the return date of this order to show cause. (see annexed to

this motion as Exhibit D the complete 800 page plus document response to Plaintiff's counsel's document demands). In other words, after Plaintiff's failure to prosecute this case for eight years, after Plaintiff's six month delay in foolishly attempting to have a judge who decided issues in this case represent them, this office delayed the case one month in responding to over 220 document demands seeking records for 64 years. As far as a certified transcript of the record, Plaintiff's counsel, despite their representation in Court, never demanded a copy of this record. Moreover, I have been unable to locate a copy in any of the Village's or their attorney's files and thus have to order the transcript. It is true the Court wrote a letter asking for a copy pursuant to CPLR 7803(e) although CPLR 7803(e) does not exist. As soon as we obtain a copy, we will produce it.

9. After the Court's deadline passed, rather than following the CPLR and this Court's rules and attempting in good faith to follow up with this office, Plaintiff's counsel simply, without warning, filed this order to show cause. This despite the fact that Plaintiff's counsel still has not responding to this firm's outstanding discovery demands. (This firm was given ten days to serve amended interrogatories as the interrogatories it had served nine years before that Plaintiff's firm chose to ignore had been served based on prior Complaints in this action. This firm chose not to serve amended Interrogatories at this time and to rely on its document demands).

10. Every effort has been made to respond to Plaintiff's discovery demands while Plaintiff has made no effort to respond to our discovery demands. To date, no discovery

responses have been received from Plaintiff's counsel. To date, Plaintiff's counsel still has not contacted this office in any effort to determine why this office was late in providing discovery responses and to make a good faith effort to resolve this without this order to show cause. There were no calls, no faxes, no letters, and no emailing.

11. "Because of the strong public policy in this state against limiting audience before the court, and in favor of resolving disputes on the merits, courts have reserved dismissal [under CPLR 3126] for rare cases where the extreme nature of the abuse warrants depriving a party of the opportunity to litigate the claim." Corsini v. U-Haul Intl., 212 A.D.2d 288, 630 N.Y.S.2d 45 (1st Dept.1995), when the failure to disclose was willful, contumacious or due to bad faith. Cespedes v. Mike & Jac Trucking Corp., 305 A.D.2d 222, 758 N.S.2d 489 (1st Dept. 2003). The drastic remedy of striking a pleading is inappropriate absent a clear showing that the failure to comply with discovery demands was willful and contumacious. Nieves v. City of New York, 35 A.D.3d 557, 826 N.Y.S.2d 647 (2d Dep't 2006). Actions should be resolved on their merits and the striking of a pleading is only warranted in extreme situations of discovery abuse. Euro-Central Corp. v. Dalsimer, Inc., 22 A.D.3d 793, 803 N.Y.S.2d 171 (2d Dep't 2005).

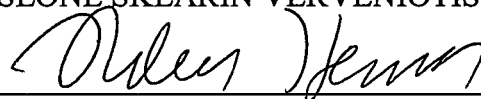
12. A court should not resort to the extreme penalty of striking defendant's answer for failure to comply with orders for discovery unless the noncompliance is clearly established to be both willful and contumacious or the result of bad faith. Rosen v. Jose Corvalon, M.D., 309 A.D.2d 723, 766 N.Y.S.2d 555 (1st Dept. 2003). The imposition of striking a defendant's answer for failure to comply with discovery orders is to be used sparingly and only upon a clear

demonstration that the failure to disclose was willful and contumacious. Grabow v. Blue Eyes, Inc., 123 A.D.2d 155, 509 N.Y.S.2d 535 (1st Dept. 1986). Defendants submit that, having produced a response with 800 pages of documents, albeit one month late, and considering the fact Plaintiff still has not produced documents in response to this office's demands, and considering Plaintiff's years long failure to prosecute this case, or even to contact Your Affirmant when the June 20 deadline had passed, and that Defendants did respond to the notice to admit, that the extreme remedy of striking the answer would be inappropriate in this case. The order to show cause is now moot.

WHEREFORE, it is respectfully requested that this Court issue an Order denying the relief requested by Plaintiff in their order to show cause, and such other and further relief as this Court may deem just and proper.

DATED: Mineola, New York
July 18, 2014

MIRANDA SAMBURSKY
SLONE SKLARIN VERVENIOTIS LLP



Robert Hewitt
240 Mineola Blvd.
Mineola, NY 11501
(516) 741-7676
Our File No.: 05-280\

TO:

WILSON ELSE MOSKOWITZ EDELMAN
& DICKER, LLP
Attorneys for Petitioner/Plaintiff
1133 Westchester Avenue
White Plains, New York 10604

A

FILE COPY

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER – ENVIRONMENTAL
CLAIMS PART

-----X
GREENTREE REALTY, LLC, and METRO ENVIRO
TRANSFER, LLC.,

Petitioners/Plaintiffs,

-against-

THE VILLAGE OF CROTON-ON-HUDSON, THE
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE
OF CROTON-ON-HUDSON, THE VILLAGE OF
CROTON-ON-HUDSON ZONING BOARD OF
APPEALS, and DANIEL O'CONNOR, in his official
capacity, as the VILLAGE BUILDING INSPECTOR,

Respondents/Defendants.
-----X

Index No.: 11872/05

**DEFENDANT'S FIRST
SET OF
INTERROGATORIES
AND REQUESTS FOR
THE PRODUCTION OF
DOCUMENTS TO
PLAINTIFF**

PLEASE TAKE NOTICE, that pursuant to the applicable rules of the Civil Practice Law and Rules, including CPLR Section 3130 and Section 3120(a), defendants, THE VILLAGE OF CROTON-ON-HUDSON, THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF CROTON-ON-HUDSON, THE VILLAGE OF CROTON-ON-HUDSON ZONING BOARD OF APPEALS, and DANIEL O'CONNOR, in his official capacity, as the VILLAGE BUILDING INSPECTOR, by their attorneys, MIRANDA & SOKOLOFF, LLP, hereby demand that, within twenty (20) days from the date hereof, plaintiff answer the following interrogatories under oath and that plaintiff produce and permit discovery the following documents and things:

INSTRUCTIONS & DEFINITIONS

a) These interrogatories and requests for production of documents are directed toward the plaintiff, her agents, representatives, employees, attorneys, and any other person(s) subject to her control.

b) If you cannot answer any of the following interrogatories or requests for production in full after exercising due diligence in attempting to secure the information available to you at the date of your response to these interrogatories or requests for production, explain why you cannot answer the remainder and state the nature of the information or knowledge that you cannot furnish.

c) The term "person", as used herein, shall be deemed to include, in the plural as well as singular, any natural person, firm, association, partnership, joint venture, corporation, or other entity, unless the context otherwise indicates.

d) The word "identify" or "identity" when used herein with reference to a person, means that you are to give the person's full name, all known business addresses, all known residence addresses and all known occupations.

e) The term "documents" as used herein, shall mean originals and all copies, unless identical, of all forms of tangible expression, including, without limitation, any written, printed, recorded, pictorial, graphic or photographic material, however produced or reproduced, formal or informal, whether for internal or external use, including without limitation, e-mails, correspondence, letters, memoranda, drafts, corporate minutes, diary or employment book entries, telephone logs, telegrams, telexes, notes (including stenography notes), minutes, reports, contracts, agreements, directives, instructions, court papers, graphic representations, lists of persons or things, books, pamphlets, manuscripts, canceled checks, mechanical and electric sound recordings, charts, tapes, videotapes, microfilm, microfiche, indices, data sheets, data processing cards and tapes, statistical tables, memorandum made of any telephone communications and diagrams.

f) The term "communication" as used herein, shall mean any oral, written or matter of transmission or transfer of information.

g) If you are asked to identify a document as defined in paragraph "e" above, for each document please state the following:

- (1) a specific description of the document and the sum and substance of the content thereof;
- (2) the date the document was prepared;
- (3) the identity of each person signing or executing the document;
- (4) the date on which such person signed or executed the document;
- (5) the identity of the person who prepared the document or who aided or assisted in the preparation of said document.

h) With respect to any communications referred to herein you are requested to state:

- (1) the identity of each person who made each communication;
- (2) the identity of each person to whom each communication was made;
- (3) the identity of each person who was present during each communication or who received a copy of each communication;
- (4) a complete description of the substance and content of the communication.

The information requested in paragraphs "g" and "h" above need not be supplied if the document or a copy of the communication (or an accurate transcription or recording thereof) accompanies the service of your responses to these interrogatories or requests for production.

When such document or copy, transcription or recording of a communication is supplied in response to these interrogatories or requests for production, please identify by number each interrogatory or request for production to which the document is responsive. These

interrogatories and requests for production are deemed continuing so as to require reasonable supplemental answers if you obtain further information between the time your answers are served and the time of trial.

INTERROGATORIES

1. Identify, by name and title, all principals, directors, and officers of Greentree Realty, LLC.
2. Identify all investors in Greentree Realty, LLC.
3. Identify any parent companies or subsidiaries of Greentree Realty, LLC.
4. Identify all individuals or entities with an ownership interest in Greentree Realty, LLC.
5. Identify all property owned by Greentree Realty, LLC; and all investments made to that property.
6. Identify all individuals or entities who hold a mortgage, possess a lien, or otherwise have an ownership or property interest in the subject property identified in the complaint as 1A Croton Point Avenue.
7. Identify any other waste facilities owned or operated by Greentree Realty, LLC.
8. Identify the present operator of the waste facility located on the subject property.
9. Identify the manner in which Metro Enviro, LLC came to be a lessee of the subject property.
10. Identify the manner in which Metro Enviro Transfer, LLC came to be a lessee of the subject property.

11. Identify any entity which has at any point been considered by Greentree Realty, LLC or sought consideration from Greentree Realty, LLC to enter into a lease of the subject property.
12. Identify the date that Greentree Realty, LLC retained the services of the law firm of Zarin & Steinmetz, and/or any other counsel in connection with this litigation or the prior 2003 litigation
13. Identify, with evidentiary detail, all information learned by Greentree or its principals regarding the Village's denial of Metro's special use permit renewal.
14. State whether Greentree Realty, LLC incurred any legal fees and/or expenses in connection with the prior 2003 litigation ("2003 Litigation") between Metro Enviro Transfer, LLC and the Village of Croton-on-Hudson relative to challenging the Village's denial of Metro's special use permit renewal.
15. Identify, with evidentiary detail, when Greentree and/or its principals/agents first learned of the 2003 Litigation.
 - a. Please identify how Greentree learned of the 2003 Litigation;
 - b. Please identify what Greentree learned of the 2003 Litigation, including but not limited to knowledge of the denial of Metro's renewal application for its special use permit; Metro's retention of counsel to challenge said denial; Metro's actual commencement of litigation of 2003 regarding that challenge; and/or any of the legal rulings leading to the ultimate upholding of the Village's denial by the Court of Appeals in July of 2005.

16. Identify all efforts of Greentree Realty, LLC to lease the subject premises since the commencement of this action in July 2005, and/or Metro's inability to comply with its lease.
17. Identify the nature of Greentree Realty, LLC's involvement in and/or knowledge of the acquisition by Metro Enviro Transfer, LLC of the assets of Metro Enviro, LLC, as alleged in paragraph 42 of the complaint.
18. Identify, with evidentiary detail, when Greentree learned of the acquisition of Metro Enviro, LLC by Metro Enviro Transfer.
19. Identify, with evidentiary detail, whether Greentree had any financial involvement in the aforesaid acquisition of Metro Enviro, LLC by Metro Enviro Transfer. a) If so, identify with evidentiary detail, the specific nature of the funding and/or financial involvement; b) State when such involvement and/or funding began; c) State whether it is continuing.
20. Identify each instance in which Greentree learned that Metro Enviro, LLC or Metro Enviro Transfer, LLC breached or violated a term of the special permit and/or lease. For each such instance, provide the a) date; b) nature of the breach or violation; c) the response of Greentree Realty, LLC.; and d) reporting by Greentree to local, state and/or Federal Regulators.
21. Please state what monitoring and/or review procedure Greentree had in place before and during the pendency of its lease with Metro Enviro Transfer and Metro Enviro regarding violations of its special permit and/or lease.
22. Please state, in evidentiary detail, the basis for the allegations made at paragraph "16" of the complaint.

23. Please state, in evidentiary detail, the basis for the allegations made at paragraph "18" of the complaint.
24. Please state, in evidentiary detail, the basis for the allegations made at paragraph "19" of the complaint.
25. Please state, in evidentiary detail, the basis for the allegations made at paragraph "20" of the complaint.
26. Please state, in evidentiary detail, the basis for the allegations made at the second paragraph "23" of the complaint.
27. Please state, in evidentiary detail, the basis for the allegations made at the second paragraph "22" of the complaint.
28. Please state, in evidentiary detail, the basis for the allegations made at paragraph "30" of the complaint.
29. Please state, in evidentiary detail, the basis for the allegations made at paragraph "31" of the complaint.
30. Please state, in evidentiary detail, the basis for the allegations made at paragraph "37" of the complaint.
31. Please state, in evidentiary detail, the basis for the allegations made at paragraph "65" of the complaint.
32. Please state, in evidentiary detail, the basis for the allegations made at paragraph "67" of the complaint.
33. Please state, in evidentiary detail, the basis for the allegations made at paragraph "68" of the complaint.

34. Please state, in evidentiary detail, the basis for the allegations made at paragraph "69" of the complaint.
35. Please state, in evidentiary detail, the basis for the allegations made at paragraph "70" of the complaint.
36. Please state, in evidentiary detail, the basis for the allegations made at paragraph "71" of the complaint.
37. Please state, in evidentiary detail, the basis for the allegations made at paragraph "74" of the complaint.
38. Identify each instance in which Greentree Realty, LLC, its representatives or agents were present at a meeting of the Village Board or Village Zoning Board of Appeals. For each such instance, identify the date and persons present.
39. Please state, with evidentiary detail, how plaintiff Greentree has been damaged to date; including but not limited to how its investments have been impacted; how its leasehold has been impacted; what compensatory damages it has sustained; and what attorney fees and expense it has incurred that it seeks to recover at bar.

DOCUMENT DEMANDS

1. Provide copies of all partnership agreements relating to Greentree Realty, LLC.
2. Provide copies of all documents relating to the formation of Greentree Realty, LLC.
3. Provide copies of all lease agreements between Greentree Realty, LLC and Metro Enviro, LLC including all riders thereto and all amendments and renewals thereof.

4. Provide copies of all lease agreements between Greentree Realty, LLC and Metro Enviro Transfer, LLC including all riders thereto and all amendments and renewals thereof.
5. Provide a copy of any and all lease agreements, past and current, relating to the subject property identified in the complaint as 1A Croton Point Avenue, or any portion thereof.
6. Provide a copy of all agreements and contracts between Greentree Realty, LLC and Metro Enviro, LLC.
7. Provide a copy of all agreements and contracts between Greentree Realty, LLC and Metro Enviro Transfer, LLC.
8. Provide copies of all documents relating to the purchase or transfer or assignment of the lease from Metro Enviro, LLC to Metro Enviro Transfer, LLC.
9. Provide copies of all federal and state tax returns for Greentree Realty, LLC for the past five (5) years.
10. Provide copies of all correspondence between Greentree Realty, LLC and the New York State Department of Environmental Conservation and/or other Federal, Local and State Regulatory Bodies relating to the subject matter of either this case or the 2003 Litigation.
11. Provide copies of all correspondence between Greentree Realty, LLC and Metro Enviro, LLC relating to the subject matter of either this case or the 2003 Litigation.
12. Provide copies of all correspondence between Greentree Realty, LLC and Metro Enviro Transfer, LLC relating to the subject matter of either this case or the 2003 Litigation.

13. Provide copies of all correspondence between Greentree Realty, LLC and Allied Waste North America, Inc. relating to the subject matter of either this case or the 2003 Litigation.
14. Provide copies of all correspondence between Greentree Realty, LLC and Allied Waster Industries, Inc. relating to the subject matter of either this case or the 2003 Litigation.
15. Provide copies of all correspondence between Greentree Realty, LLC and defendants relating to the subject matter of either this case or the 2003 Litigation.
16. Provide copies of all documents, correspondence, e-mails, and memoranda regarding the prior litigation between Metro Enviro Transfer, LLC and the Village of Croton-on-Hudson relating to the subject matter of either this case or the 2003 Litigation.
17. Provide a copy of all retainer agreements between Greentree and any attorneys, including but not limited to Zarin & Steinmetz, relating to the subject matter of either this case or the 2003 Litigation.
18. Provide proof of all damages claimed in the foregoing interrogatories.
19. Provide copies of all documents referred to in the foregoing interrogatories.

DATED: Mineola, New York
October 17, 2005.

MIRANDA & SOKOLOFF, LLP
Attorneys for Respondents/Defendants

By: 

Michael A. Miranda
240 Mineola Blvd.
Mineola, NY 11501
(516) 741-7676
Our File No.: 05-280

TO: ZARIN & STEINMETZ
Attorneys for Petitioners/Plaintiffs
81 Main Street, Suite 415
White Plains, NY 10601

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

GLYNIS SHARP, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at **VALLEY STREAM, NEW YORK**.

That on the ^{17th} day of October, 2005 deponent served the within **DEFENDANT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO PLAINTIFF** upon:

ZARIN & STEINMETZ
Attorneys for Petitioners/Plaintiffs
81 Main Street, Suite 415
White Plains, NY 10601

attorneys in this action, at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States post office department within the State of New York.


Sworn to before me this
^{17th} day of October, 2005



NOTARY PUBLIC



GLYNIS SHARP

MATTHEW J. MINERO
Notary Public, State of New York
No. 02MI6037500
Qualified in Nassau County
Commission Expires February 22, 20 

B

Timothy Hill

From: Timothy Hill
Sent: Thursday, December 22, 2005 7:39 PM
To: 'Jody T. Cross'
Subject: RE: Greentree v. Croton

Jody

Thank you for advising is of your client's decision. This will confirm, then, that defendant/respondents will have until January 31, 2006 to answer the current amended petition.

Also, we take this opportunity to request in good faith that you provide us with the discovery responses which, upon your request for an extension, were due Dec. 2, 2005.

Regards,
Tim

Timothy Hill
Miranda & Sokoloff, LLP
240 Mineola Boulevard
Mineola, NY 11501
tel: (516) 741-7676
fax: (516) 741-9060
thill@mirandasokoloff.com

-----Original Message-----

From: Jody T. Cross [mailto:jcross@zarin-steinmetz.net]
Sent: Thursday, December 22, 2005 3:58 PM
To: Timothy Hill
Subject: Greentree v. Croton

Tim -

Greentree has decided not to further amend its Petition/Complaint at this time.

Accordingly, we can give you through the end of January to Answer the Amended Petition/Complaint. Please let me know if that is good for you.

Thanks,
Jody

Jody T. Cross, Esq.
Zarin & Steinmetz
31 Main Street, Suite 415
White Plains, New York 10601
Telephone: (914) 682-7800
Facsimile: (914) 683-5490
E-Mail: jcross@zarin-steinmetz.net

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Poor
Quality

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SUPREME COURT OF THE STATE OF NEW YORK
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CLAIMS PART

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OF CROTON-ON-HUDSON, THE VILLAGE OF
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APPEALS, and DANIEL O’CONNOR, in his official
capacity, as the VILLAGE BUILDING INSPECTOR,

Respondents/Defendants.

Index No.: 11872/05

**DEFENDANTS’ FIRST
SET OF REQUESTS
FOR THE
PRODUCTION OF
DOCUMENTS TO
PLAINTIFF**

-----X
PLEASE TAKE NOTICE that Miranda Sambursky Slone Sklarin Verveniots, LLP,
counsel for defendants demands, pursuant to Article 31 of the CPLR, the following disclosures
from plaintiff, to be produced at the offices of Miranda Sambursky Slone Sklarin Verveniots,
LLP, at 240 Mineola Boulevard, Mineola, New York 11501, within thirty (30) days of this
notice:

INSTRUCTIONS AND DEFINITIONS

A. If any information or document has been destroyed, identify the document or
information and state when it was destroyed, how it was destroyed and by whom it was
destroyed.

B. If you cannot answer any of the following in full after exercising due diligence in
attempting to secure the information available to you at the date of your response to these
interrogatories or requests for production, explain why you cannot answer the remainder and
state the nature of the information or knowledge that you cannot furnish.

C. The terms “person” and “individual”, as used herein, shall be deemed to include,

in the plural as well as singular, any natural person, firm, association, partnership, joint venture, corporation, or other entity, unless the context otherwise indicates.

D. The word “identify” or “identity” when used herein with reference to a person, means that you are to give the person's full name, all known business addresses, all known residence addresses and all known occupations.

E. The term “documents” as used herein, shall mean originals and all copies, unless identical, of all forms of tangible expression, including, without limitation, any written, printed, recorded, pictorial, graphic or photographic material, however produced or reproduced, formal or informal, whether for internal or external use, including without limitation, correspondence, letters, memoranda, drafts, corporate minutes, diary or employment book entries, telephone logs, telegrams, telexes, notes (including stenography notes), minutes, reports, contracts, agreements, directives, instructions, court papers, graphic representations, lists of persons or things, books, pamphlets, manuscripts, canceled checks, mechanical and electric sound recordings, charts, tapes, videotapes, microfilm, microfiche, indices, data sheets, data processing cards and tapes, statistical tables, memorandum made of any telephone communications and diagrams.

F. The term “communication” as used herein, shall mean any oral, written or matter of transmission or transfer of information.

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15. Provide copies of all correspondence between Greentree Realty, LLC and defendants relating to the subject matter of either this case or the 2003 Litigation.
16. Provide copies of all documents, correspondence, e-mails, and memoranda regarding the prior litigation between Metro Enviro Transfer, LLC and the Village of Croton-on-Hudson relating to the subject matter of either this case or the 2003 Litigation.
17. Provide a copy of all retainer agreements between Greentree and any attorneys, including but not limited to Zarin & Steinmetz and Wilson Elser, relating to the subject matter of either this case or the 2003 Litigation.
18. Provide a copy of all documents indicating that the premises located in Westchester County, New York, known as 1A Croton Point Avenue, Croton-on-Hudson, New York ("premises") was used a construction and demolition debris processing facility and transfer station from 1960 through 2005.
19. Provide a copy of all documents indicating that Greentree Realty, LLC used the premises as a construction and demolition debris processing facility and transfer station.
20. Provide a copy of all documents indicating that Metro Enviro, LLC used the premises as a construction and demolition debris processing facility and transfer station.

21. Provide a copy of all documents indicating that Robert V. Liguroi used the premises as a construction and demolition debris processing facility and transfer station.
22. Provide a copy of all documents indicating that the property was in full compliance with the then current Village Code as of April 30, 1999.
23. Provide a copy of all documents indicating that until 2001, a construction and demolition debris processing facility and transfer station was a permitted use of right on the property.
24. Provide a copy of all documents that evidence that the DEC has repeatedly recognized that use of the property for the facility's operations constituted the lawful "processing" of construction and demolition debris as alleged in the Complaint.
25. Provide a copy of all documents that evidence that the Village of Croton-on-Hudson has repeatedly recognized that use of the property for the facility's operations constituted the lawful "processing" of construction and demolition debris as alleged in the Complaint.
26. Provide a copy of all documents that evidence that DEC issued a Solid Waste Management permit for the operations at the property as alleged in the Complaint.
27. Provide a copy of all documents that evidence in 1997 Metro Enviro, LLC was encouraged by the Village to spend approximately \$1.0 and \$1.5 million cleaning up and remediating the property and \$2.0 on new site improvements.
28. Provide a copy of all documents that evidence in 1997 Metro Enviro, LLC spent approximately \$1.0 and \$1.5 million cleaning up and remediating the property and \$2.0 on new site improvements.

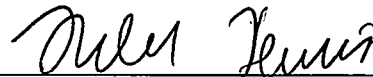
29. Provide a copy of all documents that evidence that DEC issued a permit to Metro Enviro, LLC in connection with the facility effective from November 6, 1997 through November 5, 2002 as alleged in the Complaint.
30. Provide a copy of all documents that evidence that in August 1997, Metro Enviro, LLC requested from the Village a renewal and transfer of the pre-existing special permit held by IRS as alleged in the Complaint.
31. Provide a copy of all documents that evidence that Metro Enviro made important and costly improvements to the facility as alleged in paragraph 27 of the Complaint.
32. Provide a copy of all documents that evidence that Metro Enviro operated the facility as a DEC-approved construction and demolition debris processing facility.
33. Provide a copy of all documents that evidence that the “board was well aware” that the property was being used as a construction and demolition debris processing facility and transfer station as alleged in the Complaint.
34. Provide a copy of all documents that evidence that the Village Manager and Village attorney specifically advised Metro Enviro’s counsel that the facility would continue to be a pre-existing, legal nonconforming use as alleged in paragraph 36 of the Complaint.
35. Provide a copy of all documents that evidence that Metro Enviro made important and costly improvements to the facility as alleged in paragraph 27 of the Complaint.
36. Provide a copy of all documents that evidence that DEC renewed Metro Enviro’s permit on February 7, 2003..

37. Provide a copy of all documents that throughout Metro Enviro's litigation with regard to special permit renewal, the Facility continued to be lawfully utilized for a pre-existing nonconforming use as set forth in paragraph 43 of the Complaint.
38. Provide a copy of all documents that indicate the use of the property for a construction and demolition debris processing facility and transfer station is a lawful nonconforming use as alleged in paragraph 60 of the Complaint.
39. Provide a copy of all documents that evidence that it would be futile for Greentree to attempt to seek relief through the administrative process.
40. Provide a copy of all documents that evidence that Greentree purchased the property in 1997 with the clear and distinct investment backed expectation that the property would continue to be used as a construction and demolition debris processing facility and transfer station.
41. Provide proof of all damages claimed in the foregoing interrogatories.
42. Provide copies of all documents referred to Defendants' interrogatories.

DATED: Mineola, New York
February 4, 2014

MIRANDA SAMBURSKY SLONE
SKLARIN VERVENIOTIS LLP
Attorneys for Defendants
**THE VILLAGE OF CROTON-ON-HUDSON,
THE VILLAGE BOARD OF TRUSTEES OF
THE VILLAGE OF CROTON-ON-HUDSON,
THE VILLAGE OF CROTON-ON-HUDSON
ZONING BOARD OF APPEALS, and DANIEL
O'CONNOR, in his official capacity, as the
VILLAGE BUILDING INSPECTOR**

By: _____



Michael A. Miranda
Robert E.B. Hewitt
240 Mineola Blvd.
Mineola, NY 11501
(516) 741-7676
Our File No.: 05-280

TO: John M. Flannery, Esq.
WILSON ELSEER MOSKOWITZ EDELMAN
& DICKER, LLP
Attorneys for Petitioner/Plaintiff
1133 Westchester Avenue
White Plains, New York 10604

D

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x Index No, 05-11872

GREENTREE REALTY, LLC,

Petitioner/Plaintiff,

**RESPONSE TO NOTICE FOR
DISCOVERY
AND INSPECTION**

-against-

THE VILLAGE OF CROTON-ON-HUDSON, THE
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE
OF CROTON-ON-HUDSON, THE VILLAGE OF
CROTON-ON-HUDSON ZONING BOARD OF
APPEALS, and DANIEL O'CONNOR, in his official
capacity, as the VILLAGE BUILDING INSPECTOR,

Respondents/Defendants.
-----x

Defendants THE VILLAGE OF CROTON-ON-HUDSON, THE VILLAGE BOARD OF
TRUSTEES OF THE VILLAGE OF CROTON-ON-HUDSON, THE VILLAGE OF CROTON-
ON-HUDSON ZONING BOARD OF APPEALS, and DANIEL O'CONNOR, in his official
capacity, as the VILLAGE BUILDING INSPECTOR ("the Village") by their attorneys,
MIRANDA SAMBURSKY SLONE SKLARIN VERVENIOTIS LLP, hereby responds to
Plaintiff's Notice of Discovery and Inspection as follows:

GENERAL OBJECTIONS

A. By responding to any request, the VILLAGE does not concede the materiality of
the subject to which it refers. The VILLAGE'S responses are made expressly subject to, and
without waiving or intending to waive, any questions, or objections as to the competency,
relevancy, materiality, privilege, or admissibility as evidence or for any other purpose, of any
of the documents or information produced, or of the subject matter thereof, in any proceeding
including the trial of this action or any subsequent proceeding.

B. The VILLAGE objects to these requests to the extent that they demand information that is protected by the deliberative-process privilege, attorney-client or work-product privilege, or which constitute material prepared for litigation purposes.

C. Inadvertent production of any document or information that is privileged, was prepared in anticipation of litigation, or is otherwise immune from discovery, shall not constitute a waiver of any privilege or of another ground for objecting to discovery with respect to that document or any other document, or its subject matter, or the information contained therein, or of Plaintiff's right to object to the use of any such document or the information contained therein during any proceeding in this litigation or otherwise.

D. The VILLAGE objects to these requests to the extent that they seek information that is not within the possession, custody and control of the VILLAGE or to the extent that they seek discovery that is unreasonably cumulative or duplicative, or unduly burdensome or expensive.

E. The VILLAGE objects to these requests to the extent that they seek information or documentation not relevant to the issues raised in this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence.

F. The VILLAGE does not waive, or intend to waive, but rather intends to preserve, and are preserving:

- a. All objections as to competency, relevancy, materiality, and admissibility;
- b. All rights to object on any ground to the use of any of their responses or documents in any subsequent proceedings, including the trial of this or any other action; and
- c. All objections as to vagueness and ambiguity.

G. The VILLAGE' responses are based on their current knowledge after a reasonable

investigation and search for documents responsive to each demand. The VILLAGE reserves the right to amend and/or supplement these objections and responses in the future as may be necessary.

H. The VILLAGE objects to each individual request in the discovery notice to the extent it seeks the production of any information that embodies material that is confidential including, but not limited to private or personal information relating to specific individuals or business information that is confidential, proprietary or a trade secret. The VILLAGE objects to each individual request in the discovery notice to the extent it is overly broad, unduly burdensome, expensive, or unreasonably cumulative or duplicative. The VILLAGE reserves the right to object to the future disclosure of any such information.

The foregoing General Objections are incorporated into each of the specific responses set forth herein.

Document Demands

1. Produce any and all documents relating to or concerning the use of the Property from 1960 through the present, including but not limited to the use of the Property by Louis Milano, Angelo Milano, Milano Brothers, Inc., and/or A. Milano & Sons (the "Milanos").

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, irrelevant, and not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit A.

2. Produce any and all documents relating to or concerning any and all special permit applications submitted by the Milanos to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague,

ambiguous, overbroad, and not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit A.

3. Produce any and all documents relating to or concerning any and all special permits issued by the Village defendants to the Milanos with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, and not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit A.

4. Produce any and all documents relating to or concerning any and all applications for site plan approval submitted by the Milanos to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit "A"

5. Produce any and all documents relating to or concerning any and all grants of site plan approval by the Village defendants to the Milanos with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit "A"

6. Produce any and all documents relating to or concerning any and all applications for building permits submitted by the Milanos to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or

scope. Notwithstanding said general and specific objections, see Exhibit "A"

7. Produce any and all documents relating to or concerning any and all certificates of occupancy issued by the Village defendants to the Milanos for any and all buildings on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, and not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

8. Produce any and all documents relating to or concerning any and all public meetings held before the Village Board with respect to the property during the time period that the Milanos owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

9. Produce any and all documents relating to or concerning any and all public meetings held before the Village Planning Board with respect to the property during the time period that the Milanos owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

10. Produce any and all documents relating to or concerning any and all public meetings held before the ZBA with respect to the property during the time period that the

Milanos owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

11. Produce any and all documents relating to or concerning any and all inspections of the Property by the Village's Building Inspector during the time period that the Milanos owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

12. Produce any and all documents relating to or concerning the use of the Property by the Milanos as a dump site for construction debris from the Village, the Town of Ossining, or anywhere else.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

13. Produce any and all documents relating to or concerning the use of the Property by the Milanos to transship construction debris.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or

scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

14. Produce any and all documents relating to or concerning the use of the Property by the Milanos to sort waste materials.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

15. Produce any and all documents relating to or concerning the use of the Property by the Milanos to bury automobiles.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

16. Produce any and all documents relating to or concerning the use of the Property by the Milanos as a construction yard.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

17. Produce any and all documents relating to or concerning the use of the Property by Milanos to provide sand and soil cover for the Croton Point landfill pursuant to a contract with Westchester County.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

18. Produce any and all documents relating to or concerning the use of the Property by the Milanos to handle railroad ties and other debris.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

19. Produce any and all documents relating to or concerning the use of the Property by the Milanos as a vehicle repair shop.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

20. Produce any and all documents relating or concerning any contract by and between the Milanos and Penn Central to transship and cart from the Property industrial refuse, including but not limited to railroad ties, metal waste and newspapers.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

21. Produce any and all documents relating to or concerning a letter from the Village defendants to the Milanos, dated February 15, 1977, stating that the uses of the Property, including the sorting of metals and other materials, were continuous, uninterrupted and approved by the Village defendants.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

22. Produce any and all documents relating to or concerning an affidavit of Mr. Angelo Milano, dated October 2, 1986, submitted to the Village defendants and detailing his uses of the Property from 1963 to the time that the Property was sold to Mr. Robert V. Liguori ("Liguori") in or around 1984.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

23. Produce any and all documents relating to or concerning Liguori's use of the property, as a tenant of the Milanos, from 1976 to 1984.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

24. Produce any and all documents relating to or concerning Liguori's purchase of the property in or around 1984.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

25. Produce any and all documents relating to or concerning the use of the Property by Liguori.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

26. Produce any and all documents relating to or concerning any and all special permit applications submitted by Liguori to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

27. Produce any and all documents relating to or concerning any and all special permits issued by the Village defendants to Liguori with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of

any such documents other than what is attached as Exhibit "A."

28. Produce any and all documents relating to or concerning any and all special permit modifications issued by the Village defendants to Liguori with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

29. Produce any and all documents relating to or concerning any and all applications for site plan approval submitted by Liguori to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

30. Produce any and all documents relating to or concerning any and all grants of site plan approval by the Village defendants to Liguori with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

31. Produce any and all documents relating to or concerning any and all certificates of occupancy issued by the Village defendants to Liguori for any and all buildings on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or

scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

32. Produce any and all documents relating to or concerning any and all public meetings held before the Village Board with respect to the Property during the time period that Liguori owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, and not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit A.

33. Produce any and all documents relating to or concerning any and all public meetings held before the Village Planning Board with respect to the Property during the time period that Liguori owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, and not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit A.

34. Produce any and all documents relating to or concerning any and all public meetings held before the ZBA with respect to the Property during the time period that Liguori owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, and not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit A.

35. Produce any and all documents relating to or concerning any and all inspections of the Property by the Village's Building Inspector during the time period that Liguori owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

36. Produce any and all documents relating to or concerning the use of the Property by Harmon Recycle & Rail, Inc. or Harmon & Rail, Inc. ("Harmon").

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

37. Produce any and all documents relating to or concerning any and all special permit applications submitted by Harmon to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

38. Produce any and all documents relating to or concerning any and all special permits issued by the Village defendants to Harmon with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

39. Produce any and all documents relating to or concerning any and all special permit

modifications issued by the Village defendants to Harmon with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

40. Produce any and all documents relating to or concerning any and all applications for site plan approval submitted by Harmon to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

41. Produce any and all documents relating to or concerning any and all grants of site plan approval by the Village defendants to Harmon with respect to the property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

42. Produce any and all documents relating to or concerning any and all applications for building permits submitted by Harmon to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

43. Produce any and all documents relating to or concerning any and all certificates of occupancy issued by the Village defendants to Harmon for any and all buildings on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

44. Produce any and all documents relating to or concerning any and all public meetings held before the Village Board with respect to the Property during the time period that Harmon owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

45. Produce any and all documents relating to or concerning any and all public meetings held before the Village Planning Board with respect to the Property during the time period that Harmon owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

46. Produce any and all documents relating to or concerning any and all public meetings held before the ZBA with respect to the Property during the time period that Harmon owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

47. Produce any and all documents relating to or concerning any and all inspections of the Property by the Village's Building Inspector during the time period that Harmon owned and/or operated a business on the Property.

48. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

49. Produce any and all documents relating to or concerning the use of the Property by Industrial Recycling Systems, Inc. ("IRS").

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

50. Produce any and all documents relating to or concerning any and all special permit applications submitted by IRS to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

51. Produce any and all documents relating to or concerning any and all special permits issued by the Village defendants to IRS with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

52. Produce any and all documents relating to or concerning any and all special permit modifications issued by the Village defendants to IRS with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

53. Produce any and all documents relating to or concerning any and all applications for site plan approval submitted by IRS to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

54. Produce any and all documents relating to or concerning any and all grants of site plan approval by the Village defendants to IRS with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of

any such documents other than what is attached as Exhibit "A.

55. Produce any and all documents relating to or concerning any and all applications for building permits submitted by IRS to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

56. Produce any and all documents relating to or concerning any and all certificates of occupancy issued by the Village defendants to IRS for any and all buildings located on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

57. Produce any and all documents relating to or concerning any and all public meetings held before the Village Board with respect to the Property during the time period that IRS owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

58. Produce any and all documents relating to or concerning any and all public meetings held before the Village Planning Board with respect to the Property during the time period that IRS owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Minutes from public meetings are also available at the Town's website

59. Produce any and all documents relating to or concerning any and all public meetings held before the *ZBA* with respect to the Property during the time period that IRS owned and/or operated a business on the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Minutes from public meetings are also available at the Town's website

60. Produce any and all documents relating to or concerning any and all inspections of the Property by the Village's Building Inspector during the time period that IRS owned and/or operated a business on the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

61. Produce any and all documents relating to or concerning Liguori's request that the *ZBA* recognize that his use of the Property was consistent with the use of the Property by the Milanos so as to confirm that his use would not require a special permit.**Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

62. Produce any and all documents relating to or concerning the Village Engineer's determination that Liguori's and/or IRS's use of the Property constituted a change from one nonconforming use to another. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

63. Produce any and all document relating to Or concerning the *ZBA* public meeting held on November 12, 1986. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

64. Produce any and all documents relating to or concerning the Village Zoning Board of Appeals' confirmation, made on or around December 23, 1986, of the Village Engineer's determination that Liguori's and/or IRS's use of the Property constituted a change from one nonconforming use to another nonconforming use. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes what occurred. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

65. Produce any and all documents relating to or concerning Liguori's appeal to the Village Engineer for a variance to change the use of the Property from one nonconforming use to another. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope and mischaracterizes what occurred. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

66. Produce any and all documents relating to or concerning Liguori's and/or IRS's use of the Property as a wood processing, material storage and recycling facility. Produce any and all documents relating to or concerning any contracts by and between Liguori, and/or IRS, and Penn Central to transship and cart industrial refuse, including but not limited to railroad ties, metal waste and newspapers. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope and mischaracterizes what occurred. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

67. Produce any and all documents relating to or concerning any contracts by and between Liguori, and/or IRS, and Metro North Railroad. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope and mischaracterizes what occurred. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

68. Produce any and all documents relating to or concerning any contracts by and between Liguori, and/or IRS, and Reader's Digest. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope and mischaracterizes what occurred. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

69. Produce any and all documents relating to or concerning any applications submitted by Liguori, and/or IRS, and/or Harmon, to the Village Planning Board seeking to install a rail spur on the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope and mischaracterizes what occurred. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

70. Produce any and all documents relating to or concerning the consent order entered into by and between the New York State Department of Environmental Conservation and Liguori and/or IRS and/or Harmon with respect to the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope and mischaracterizes what occurred. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

71. Produce any and all documents relating to or concerning Harmon's application to the Village defendants, in or around 1995, to modify the site plan for the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope and mischaracterizes what occurred. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

72. Produce any and all documents relating to or concerning the Village defendants' recognition that the use of the Property by Liguori, and/or IRS, and/or Harmon, was a legal preexisting nonconforming use subject to a special permit. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope and mischaracterizes what occurred. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

73. Produce any and all documents relating to or concerning Greentree's purchase and ownership of the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Plaintiff would be more likely to have possession of relevant documents.

74. Produce any and all documents relating to or concerning the use of the Property by Greentree. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Plaintiff would be more likely to have possession of relevant documents.

75. Produce any and all documents relating to or concerning any and all special permit applications submitted by Greentree to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Plaintiff would be more likely to have possession of relevant documents.

76. Produce any and all documents relating to or concerning any and all special permits issued by the Village defendants to Greentree with respect to the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Plaintiff would be more likely to have possession of relevant documents.

77. Produce any and all documents relating to or concerning any and all special permit modifications issued by the Village defendants to Greentree with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Plaintiff would be more likely to have possession of relevant documents.

78. Produce any and all documents relating to or concerning any and all applications for site plan approval submitted by Greentree to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Plaintiff would be more likely to have possession of relevant documents.

79. Produce any and all documents relating to or concerning any and all grants of site plan approval by the Village defendants to Greentree with respect to the property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Plaintiff would be more likely to have possession of relevant documents.

80. Produce any and all documents relating to or concerning any and all applications for building permits submitted by Greentree to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Plaintiff would be more likely to have possession of relevant documents.

81. Produce any and all documents relating to or concerning any and all certificates of occupancy issued by the Village defendants to Greentree for any and all buildings on the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

82. Produce any and all documents relating to or concerning any and all public meetings held before the Village Board with respect to the Property during the time period that Greentree has owned and/or operated a business on the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Public meeting minutes are available at the Village website.

83. Produce any and all documents relating to or concerning any and all public meetings held before the Village Planning Board with respect to the Property during the time period that Greentree has owned and/or operated a business on the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Public meeting minutes are available at the Village website.

84. Produce any and all documents relating to or concerning any and all public meetings held before the ZBA with respect to the Property during the time period that Greentree has owned and/or operated a business on the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Public meeting minutes are available at the Village website.

85. Produce any and all documents relating to or concerning any and all inspections of the Property by the Village's Building Inspector during the time period that Greentree has owned and/or operated a business on the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. P

86. Produce any and all documents relating to or concerning the use of the Property by Metro Enviro, LLC ("Metro"). **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Metro would be the proper entity to direct this demand to.

87. Produce any and all documents relating to or concerning any and all special permit applications submitted by Metro to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

88. Produce any and all documents relating to or concerning any and all special permits issued by the Village defendants to Metro with respect to the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

89. Produce any and all documents relating to or concerning any and all special permit modifications issued by Village defendants to Metro with respect to the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

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90. Produce any and all documents relating to or concerning any and all applications for site plan approval submitted by Metro to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

91. Produce any and all documents relating to or concerning any and all grants of site plan approval by the Village defendants to Metro with respect to the property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

92. Produce any and all documents relating to or concerning any and all applications for building permits submitted by Metro to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

93. Produce any and all documents relating to or concerning any and all certificates of occupancy issued by the Village defendants to Metro for any and all buildings on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

94. Produce any and all documents relating to or concerning any and all public meetings held before the Village Board with respect to the Property during the time period that Metro owned and/or operated a business on the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Public meeting minutes are available at the Village website.

95. Produce any and all documents relating to or concerning any and all public meetings held before the Village Planning Board with respect to the Property during the time period that Metro owned and/or operated a business on the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Public meeting minutes are available at the Village website.

96. Produce any and all documents relating to or concerning any and all public meetings held before the ZBA with respect to the Property during the time period that Metro owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Public meeting minutes are available at the Village website.

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97. Produce any and all documents relating to or concerning any and all inspections of the Property by the Village's Building Inspector during the time period that Metro owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

98. Produce any and all documents relating to or concerning any and all meetings held at DEC's Region III offices in New Paltz in or around December 1996 between representatives of the DEC, the Village, Liguori, and Metro and/or Greentree.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

99. Produce any and all documents relating to or concerning Metro's and/or Greentree's remediation of the Property in or around July 1997.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

100. Produce any and all documents relating to or concerning the request Metro made to the

Village Board, in or around August 1997, that the special permit for the Property be renewed and transferred from Liguori and/or IRS and/or Harmon to itself.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

101. Produce any and all documents relating to or concerning the Village Board's referral to the Village Planning Board of Metro's August 1997 request that the special permit for the Property be renewed and transferred for review.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit "A."

102. Produce any and all documents relating to or concerning the Village Planning Board's recommendation to the Village Board, on or around November 25, 1997, that Metro be granted a special use permit for the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit "A."

103. Produce any and all documents relating to or concerning the Village defendants' issuance of a special permit to Greentree and/or Metro to conduct outdoor operations on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit "A."

104. Produce any and all documents relating to or concerning Greentree's and/or Metro's application to the ZBA for an area variance in or around October 1998.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit "A."

105. Produce any and all documents relating to or concerning the ZBA's grant of an area variance to Greentree and/or Metro for the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit "A."

106. Produce any and all documents relating to or concerning any and all submissions by Greentree and/or Metro to the Village defendants for site plan approval to construct any building on the Property in or around 1998.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit "A."

107. Produce any and all documents relating to or concerning any and all submissions by Greentree and/or Metro to the Village defendants for building permits to construct a processing building on the Property in or around 1998.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, see Exhibit "A."

108. Produce any and all documents relating to or concerning Metro Enviro Transfer, LLC's

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("Metro Enviro") and/or Allied Waste Industries, Inc.'s lease and operation of the facility situated on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

109. Produce any and all documents relating to or concerning the use of the Property by Metro Enviro.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. This demand is more properly made to Metro.

110. Produce any and all documents relating to or concerning any and all special permit applications submitted by Metro Enviro to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

111. Produce any and all documents relating to or concerning any and all special permits issued by the Village defendants to Metro Enviro with respect to the Property, including but not limited to temporary special permits.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of

any such documents other than what is attached as Exhibit "A."

112. Produce any and all documents relating to or concerning any and all special permit modifications issued by the Village defendants to Metro Enviro with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

113. Produce any and all documents relating to or concerning any and all applications for site plan approval submitted by Metro Enviro to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

114. Produce any and all documents relating to or concerning any and all grants of site plan approval by the Village defendants to Metro Enviro with respect to the property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

115. Produce any and all documents relating to or concerning any and all applications for building permits submitted by Metro Enviro to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague,

ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

116. Produce any and all documents relating to or concerning any and all certificates of occupancy issued by the Village defendants to Metro Enviro for any and all buildings on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

117. Produce any and all documents relating to or concerning any and all public meetings held before the Village Board with respect to the Property during the time period that Metro Enviro owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Public meeting minutes are available at the Village website.

118. Produce any and all documents relating to or concerning any and all public meetings held before the Village Planning Board with respect to the Property during the time period that Metro Enviro owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or

scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Public meeting minutes are available at the Village website.

119. Produce any and all documents relating to or concerning any and all public meetings held before the ZBA with respect to the Property during the time period that Metro Enviro owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Public meeting minutes are available at the Village website.

120. Produce any and all documents relating to or concerning any and all inspections of the Property by the Village's Building Inspector during the time period that Metro Enviro owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

121. Produce any and all documents relating to or concerning the Village's defendants' denial of Metro Enviro's application to renew Liguori's and/or IRS's and/or Harmon's special permit for the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or

scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

122. Produce any and all documents relating to or concerning the Village defendants' request that Metro Enviro apply for a new special permit in or around 1997 to operate a solid waste recyclables handling and processing facility for construction and demolition debris on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

123. Produce any and all documents relating to or concerning any and all notice of violations issued by the Village defendants to Metro Enviro for violation of any special permits issued to Metro Enviro with respect to the Property. **Response:** The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

124. Produce any and all documents relating to or concerning any and all fines imposed upon Metro Enviro by the Village defendants for special permit violations with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or

scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

125. Produce any and all documents relating to or concerning any hearings held by the Village Board with respect to Metro Enviro's operations of the facility situated on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Public hearing minutes are available at the Village website.

126. Produce any and all documents relating to or concerning the Village defendants' decision, made on or around January 27, 2003, not to renew Metro Enviro's special permit for the Property and order that the facility be closed.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

127. Produce any and all documents relating to or concerning Greentree's November 15, 2004 letter to the Village defendants stating that the use of the Property as a transfer station was consistent with "the decades-long nonconforming use" of the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or

scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

128. Produce any and all documents relating to or concerning the use of the Property by Regus Industries, LLC ("Regus").

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

129. Produce any and all documents relating to or concerning any and all special permit applications submitted by Regus to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

130. Produce any and all documents relating to or concerning any and all special permits issued by the Village defendants to Regus with respect to the Property, including but not limited to temporary special permits.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

131. Produce any and all documents relating to or concerning any and all special permit

modifications issued by the Village defendants to Regus with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

132. Produce any and all documents relating to or concerning any and all applications for site plan approval submitted by Regus to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

133. Produce any and all documents relating to or concerning any and all grants of site plan approval by the Village defendants to Regus with respect to the property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

134. Produce any and all documents relating to or concerning any and all applications for building permits submitted by Regus to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

135. Produce any and all documents relating to or concerning any and all certificates of occupancy issued by the Village defendants to Regus for any and all buildings on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

136. Produce any and all documents relating to or concerning any and all public meetings held before the Village Board with respect to the Property during the time period that Regus owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

137. Produce any and all documents relating to or concerning any and all public meetings held before the Village Planning Board with respect to the Property during the time period that Regus owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Public hearing minutes are available at the Village website.

138. Produce any and all documents relating to or concerning any and all public meetings held before the ZBA with respect to the Property during the time period that Regus owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Public hearing minutes are available at the Village website.

139. Produce any and all documents relating to or concerning any and all inspections of the Property by the Village's Building Inspector during the time period that Regus owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

140. Produce any and all documents relating to or concerning the use of the Property by Northeast Interchange Railway, LLC ("NIR").

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Such demand is more properly made to NIR.

141. Produce any and all documents relating to or concerning any and all special permit applications submitted by NIR to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes the events at issue. Notwithstanding said general and specific

objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

142. Produce any and all documents relating to or concerning any and all special permits issued by the Village defendants to NIR with respect to the Property, including but not limited to temporary special permits.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

143. Produce any and all documents relating to or concerning any and all special permit modifications issued by the Village defendants to NIR with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

144. Produce any and all documents relating to or concerning any and all applications for site plan approval submitted by NIR to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as

Exhibit "A.

145. Produce any and all documents relating to or concerning any and all grants of site plan approval by the Village defendants to NIR with respect to the property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

146. Produce any and all documents relating to or concerning any and all applications for building permits submitted by NIR to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

147. Produce any and all documents relating to or concerning any and all certificates of occupancy issued by the Village defendants to NIR for any and all buildings on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A.

148. Produce any and all documents relating to or concerning any and all public meetings held

before the Village Board with respect to the property during the time period that NIR owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope, and mischaracterizes the events at issue. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Public minute transcripts are available at the Village website.

149. Produce any and all documents relating to or concerning any and all public meetings held before the Village Planning Board with respect to the Property during the time period that NIR owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Public minute transcripts are available at the Village website.

150. Produce any and all documents relating to or concerning any and all public meetings held before the ZBA with respect to the Property during the time period that NIR owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Public minute transcripts are available at the Village website.

151. Produce any and all documents relating to or concerning any and all inspections of the Property by the Village's Building Inspector during the time period that NIR owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

152. Produce any and all documents relating to or concerning the use of the Property by Buffalo Southern Railroad ("BSR").

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A. Such demand is better made to BSR.

153. Produce any and all documents relating to or concerning any and all special permit applications submitted by BSR to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

154. Produce any and all documents relating to or concerning any and all special permits issued by the Village defendants to BSR with respect to the Property, including but not limited to temporary special permits.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

155. Produce any and all documents relating to or concerning any and all special permit modifications issued by the Village defendants to BSR with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

156. Produce any and all documents relating to or concerning any and all applications for site plan approval submitted by BSR to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

157. Produce any and all documents relating to or concerning any and all grants of site plan approval by the Village defendants to BSR with respect to the property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

158. Produce any and all documents relating to or concerning any and all applications for

building permits submitted by BSR to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

159. Produce any and all documents relating to or concerning any and all certificates of occupancy issued by the Village defendants to BSR for any and all buildings on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

160. Produce any and all documents relating to or concerning any and all public meetings held before the Village Board with respect to the Property during the time period that BSR owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

161. Produce any and all documents relating to or concerning any and all public meetings held before the Village Planning Board with respect to the Property during the time period that BSR owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or

scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

162. Produce any and all documents relating to or concerning any and all public meetings held before the ZBA with respect to the Property during the time period that BSR owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

163. Produce any and all documents relating to or concerning any and all inspections of the Property by the Village's Building Inspector during the time period that BSR owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A."

164. Produce any and all documents relating to or concerning the use of the Property by RS Acquisition Co., LLC ("RSA").

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to RSA.

165. Produce any and all documents relating to or concerning any and all special permit

applications submitted by RSA to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to RSA.

166. Produce any and all documents relating to or concerning any and all special permits issued by the Village defendants to RSA with respect to the Property, including but not limited to temporary special permits.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to RSA

167. Produce any and all documents relating to or concerning any and all special permit modifications issued by the Village defendants to RSA with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to RSA.

168. Produce any and all documents relating to or concerning any and all applications for site plan approval submitted by RSA to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of

any such documents. Such demand is better made to RSA.

169. Produce any and all documents relating to or concerning any and all grants of site plan approval by the Village defendants to RSA with respect to the property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to RSA.

170. Produce any and all documents relating to or concerning any and all applications for building permits submitted by RSA to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to RSA.

171. Produce any and all documents relating to or concerning any and all certificates of occupancy issued by the Village defendants to RSA for any and all buildings on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to RSA.

172. Produce any and all documents relating to or concerning any and all public meetings held before the Village Board with respect to the Property during the time period that RSA owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague,

ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to RSA.

173. Produce any and all documents relating to or concerning any and all public meetings held before the Village Planning Board with respect to the Property during the time period that RSA owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to RSA.

174. Produce any and all documents relating to or concerning any and all public meetings held before the ZBA with respect to the Property during the time period that RSA owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to RSA.

175. Produce any and all documents relating to or concerning any and all inspections of the Property by the Village's Building Inspector during the time period that RSA owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of

any such documents. Such demand is better made to RSA.

176. Produce any and all documents relating to or concerning the use of the Property by Earthline Intermodal LLC ("Earthline").

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to Earthline.

177. Produce any and all documents relating to or concerning any and all special permit applications submitted by Earthline to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to Earthline.

178. Produce any and all documents relating to or concerning any and all special permits issued by the Village defendants to Earthline with respect to the Property, including but not limited to temporary special permits.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to Earthline.

179. Produce any and all documents relating to or concerning any and all special permit modifications issued by the Village defendants to Earthline with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague,

ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to Earthline.

180. Produce any and all documents relating to or concerning any and all applications for site plan approval submitted by Earthline to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to Earthline.

181. Produce any and all documents relating to or concerning any and all grants of site plan approval by the Village defendants to Earthline with respect to the property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to Earthline.

182. Produce any and all documents relating to or concerning any and all applications for building permits submitted by Earthline to the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to Earthline.

183. Produce any and all documents relating to or concerning any and all certificates of occupancy issued by the Village defendants to Earthline for any and all buildings on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to Earthline.

184. Produce any and all documents relating to or concerning any and all public meetings held before the Village Board with respect to the Property during the time period that Earthline owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to Earthline.

185. Produce any and all documents relating to or concerning any and all public meetings held before the Village Planning Board with respect to the Property during the time period that Earthline owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents. Such demand is better made to Earthline.

186. Produce any and all documents relating to or concerning any and all public meetings held before the ZBA with respect to the Property during the time period that Earthline

owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

187. Produce any and all documents relating to or concerning any and all inspections of the Property by the Village's Building Inspector during the time period that Earthline owned and/or operated a business on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

188. Produce any and all documents relating to or concerning the Village defendants' legislative intent to amend the 1961 Zoning Code to change the zoning district in which the Property is located from the "Manufacturing M District" to the "Light Industrial LI District."

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

189. Produce any and all documents relating to or concerning the Village defendants' legislative intent, when enacting the 1979 Zoning Code, to amend Section 230-18B(2) of the code to include "light" manufacturing and to strike the words "or materials."

Response: The Village objects to this document demand on the grounds that it is vague,

ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

190. Produce any and all documents relating to or concerning the Village defendants' legislative intent when drafting the permitted uses for the LI District within the relevant section of the 1979 Zoning Code.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

191. Produce any and all documents relating to or concerning the Village defendants' legislative intent when drafting Section 230-18(B) of the Village's 1990 Zoning Code.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

192. Produce any and all documents relating to or concerning the Village defendants' legislative intent to include "processing of product" as a permitted use in the Light Industrial LI District in the Village's 1979 and 1990 Zoning Codes.

Response: The Village objects to this document demand on the grounds that it is vague,

ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

193. Produce any and all documents relating to or concerning the Village defendants' legislative intent when drafting the definition of "manufacturing" as is defined in Section 230-4 of the 1990 Zoning Code.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

194. Produce any and all documents relating to or concerning the Village defendants' legislative intent to amend the Village Zoning Code to expressly prohibit "[s]olid and liquid waste transfer and storage stations and landfills (including construction and demolition materials)" in the 2001 Zoning Code. *See*, § 230-18(E) of the 2001 Zoning Code.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

195. Produce any and all documents relating to or concerning the Village Manager's or Village's Attorney's communication with Mr. David S. Steinmetz that the use of the Property as a

construction and demolition debris processing facility and transfer station would continue to be a legal preexisting nonconforming use of the Property despite the Village defendants' 2001 amendment to Section 230-18 of the Zoning Code.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

196. Produce any and all documents relating to or concerning the Village defendants' consideration of whether or not the use of the Property as a construction and demolition debris processing facility and transfer station and/or solid waste transfer station is a legal preexisting nonconforming use of the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is annexed as Exhibit "A".

197. Produce any and all documents relating to or concerning the Village Building Inspector's October 28, 2005 determination that the use of the Property as a construction and demolition debris transfer station is not a legal preexisting nonconforming use of the Property.

Response: The Village objects to this document demand on the grounds that it is vague,

ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

198. Produce any and all documents relating to or concerning any appeals made by Greentree to the ZBA with respect to the Village Building Inspector's October 28, 2005 determination that the use of the Property as a construction and demolition debris transfer station is not a legal preexisting nonconforming use of the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

199. Produce any and all documents relating to or concerning the ZBA's affirmance of the Village Building Inspector's October 28, 2005 determination that the use of the Property as a construction and demolition debris transfer station is not a legal preexisting nonconforming use of the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general

and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

200. Produce any and all documents relating to or concerning the Planning Board's retention of AKRF, Inc. in or around 2006 with respect to any special permit applications for the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

201. Produce any and all documents relating to or concerning the Village Board's retention of Malcolm Pirnie, Inc. in or around 2006 with respect any special permit applications for the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

202. Produce any and all documents relating to or concerning the Village Attorney's recognition that, under the Decision of Hon. Francis A. Nicolai, dated August 25, 2005, a construction and demolition debris transfer station is a prior nonconforming use on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

203. Produce any and all documents relating to or concerning the Village defendants' recognition that any activities on the Property are subject to and regulated by the Village's 1979 Zoning Code.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. The Village further objects to the extent it seeks material subject to attorney client privilege. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

204. Produce any and all documents relating to or concerning any owners of the Property, other than the abovementioned owners, from 1960 to the present.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

205. Produce any and all documents relating to or concerning any and all land use

analyses undertaken by the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

206. Produce any and all documents relating to or concerning any applications to the Department of Environmental Conservation ("DEC") for any use of the Property between 1960 and the present.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

207. Produce any and all documents relating to or concerning any communication between the Village defendants and the DEC regarding the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

208. Produce any and all documents relating to or concerning any and all SEQRA review and/or analyses undertaken by the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit “A”.

209. Produce any and all documents relating to or concerning any and all SEQRA determinations made by the Village defendants with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit “A”.

210. Produce any and all documents relating to or concerning any and all public meetings held by the Village planning board with respect to the Property, including but not limited to public meetings held on July 25, 1989; December 20, 1994; January 20, 1995; February 15, 1995; and February 28, 1995.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit “A”.

211. Produce any and all documents relating to or concerning any and all public meetings held before the ZBA with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A". Public meeting minutes are available at the Village website.

212. Produce any and all documents relating to or concerning any and all public meetings held before the Village Board with respect to the property, including but not limited to the meetings held on May 4, 1998 and July 10, 2006.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A". Public meeting minutes are available at the Village website.

213. Produce any and all documents relating to or concerning any and all efforts made by the Village defendants to acquire the Property by eminent domain.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

214. Produce any and all documents relating to or concerning any negotiations or proposal by and between the Village and the Metropolitan Transit Authority with respect to

purchasing the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

215. Produce any and all documents relating to or concerning any and all proposals by the Village defendants to construct a Department of Public Works on the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

216. Produce any and all documents relating to or concerning any and all inspections of the Property by the Village's fire inspector or any other member or employee of the Village's Bureau of Fire Prevention from 1960 to the present.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

217. Produce any and all documents relating to or concerning any and all orders issued by the Villages Bureau of Fire Prevention to remedy alleged violations on the Property from 1960 to the present.

Response: The Village objects to this document demand on the grounds that it is vague,

ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

218. Produce any and all documents relating to or concerning any actions taken by the Village Fire Department with respect to the property, including but not limited to inspections of the Property from 1960 to the present.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

219. Produce any and all documents relating to or concerning any and all actions taken by the Visual Environment Board with respect to the property, including but not limited to any reports prepared about the Property.

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents.

220. Produce any and all documents relating to or concerning any and all complaints filed by the Village defendants with the Surface Transportation Board with respect to the Property.

Response: The Village objects to this document demand on the grounds that it is vague,

ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

221. Produce any and all documents relating to or concerning any petitions signed by Village residents in opposition to operation of a construction and demolition debris processing facility and transfer station and/or solid waste transfer station on the Property.

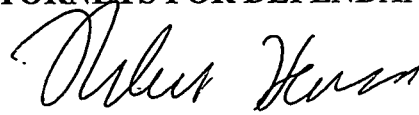
Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A".

222. Produce any and all documents relating to or concerning the characterization of the facility on the Property as a "dump."

Response: The Village objects to this document demand on the grounds that it is vague, ambiguous, overbroad, seeks documents that are irrelevant, mischaracterizes the events at issue and is not properly limited in time or scope. Notwithstanding said general and specific objections, the Village is not in possession of any such documents other than what is attached as Exhibit "A". Public meeting minutes are available at the Village website.

Dated: Mineola, New York
July 18, 2014

MIRANDA SAMBURSKY SLONE
SKLARIN VERVENIOTIS LLP
ATTORNEYS FOR DEFENDANTS



Robert E.B. Hewitt
The Esposito Building
240 Mineola Boulevard
Mineola, New York 11501
(516) 741-7676

To:

Mathew T. Dudley
Wilson Elser Moskowitz Edelman & Dicker
1133 Westchester Avenue
White Plains, NY 10604

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
GREENTREE REALTY, LLC,

Petitioners/Plaintiffs,

Index No.: 11872/05

-against-

THE VILLAGE OF CROTON-ON-HUDSON, THE
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF
CROTON-ON-HUDSON, THE VILLAGE OF CROTON-
ON-HUDSON ZONING BOARD OF APPEALS, and
DANIEL O'CONNOR, in his official capacity, as the
VILLAGE BUILDING INSPECTOR,

Hon. Francis A. Nicolai

Respondents/Defendants.

-----X
RESPONSE TO PLAINTIFF'S NOTICE FOR DISCOVERY AND INSPECTION

MIRANDA SAMBURSKY SLONE SKLARIN VERVENIOTIS LLP

Attorney(s) for

The Esposito Building
240 Mineola Blvd.
Mineola, New York 11501
Tel: (516) 741-7676
Fax: (516) 741-9060

To

Service of a copy of the within is hereby admitted.

Dated:.....

Attorney(s) for

.....



Place cover this side up on top of first page of document. Staple as indicated.



2. Lift bottom of cover up and over top, folding on top score line



3. Fold cover down behind papers on remaining score line.



STATE OF

COUNTY OF

SS.:

I, the undersigned, an attorney admitted to practice law,

Check Applicable Box
☐ Certification By Attorney
☐ Attorney's Affirmation

certify that the within
has been compared by me with the original and found to be a true and complete copy.
state that I am

the attorney(s) of record for
in the within action; I have read the foregoing
and know the contents thereof; the same is
true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as
to those matters I believe it to be true. The reason this verification is made by me and not by

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated:

STATE OF

COUNTY OF

SS.:

I,

Check Applicable Box
☐ Individual Verification
☐ Corporate Verification

the
the foregoing
my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those
matters I believe it to be true.

the of
a

being duly sworn, depose and say: I am
in the within action: I have read
and know the contents thereof; the same is true to
corporation and a party in the within action; I have read the foregoing
and know the contents thereof; and the same is true to my own knowledge,
except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe
it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on

STATE OF

COUNTY OF

SS.: (If both boxes are checked—indicate after names, type of service used.)

I,
of age and reside at
On

Check Applicable Box
☐ Service By Mail
☐ Personal Service on Individual

I served the within
by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care
and custody of the U.S. Postal Service within this State, addressed to each of the following persons at the last
known address set forth after each name:
by delivering a true copy thereof personally to each person named below at the address indicated. I knew each person
served to be the person mentioned and described in said papers as a party therein:

Sworn to before me on

The name signed must be printed beneath

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

ROBERT HEWITT, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at **Seaford, New York**.

That on the 17th day of July, 2014 deponent served the within **Opposition to Plaintiff's motion to strike** by overnight mail upon:

John M. Flannery, Esq.
WILSON ELSEER MOSKOWITZ EDELMAN
& DICKER, LLP
Attorneys for Petitioner/Plaintiff
1133 Westchester Avenue
White Plains, New York 10604

attorneys in this action, at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States post office department within the State of New York by overnight mail.




Robert Hewitt

Sworn to before me this
18th day of July, 2014.



NOTARY PUBLIC

NICOLE RUBINO
Notary Public, State Of New York
No. 01RU5085248
Qualified In Queens County
Commission Expires Sept. 15, 2017 

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
GREENTREE REALTY, LLC,

Petitioners/Plaintiffs,

Index No.: 11872/05

-against-

THE VILLAGE OF CROTON-ON-HUDSON, THE
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF
CROTON-ON-HUDSON, THE VILLAGE OF CROTON-
ON-HUDSON ZONING BOARD OF APPEALS, and
DANIEL O’CONNOR, in his official capacity, as the
VILLAGE BUILDING INSPECTOR,

Respondents/Defendants.
-----X

OPPOSITION TO PLAINTIFF’S MOTION TO STRIKE ANSWER

MIRANDA SAMBURSKY SLONE SKLARIN VERVENIOTIS LLP

Attorney(s) for

The Esposito Building
240 Mineola Blvd.
Mineola, New York 11501
Tel: (516) 741-7676
Fax: (516) 741-9060

To

Service of a copy of the within is hereby admitted.

Dated:.....

Attorney(s) for

.....



1. Place cover this side up on top of first page of document. Staple as indicated.



2. Lift bottom of cover up and over top, folding on top score line



3. Fold cover down behind papers on remaining score line.



STATE OF

COUNTY OF

ss.:

I, the undersigned, an attorney admitted to practice law,

☐ Certification
By Attorney

☐ Attorney's
Affirmation

certify that the within
has been compared by me with the original and found to be a true and complete copy.
state that I am

the attorney(s) of record for
in the within action; I have read the foregoing
and know the contents thereof; the same is
true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as
to those matters I believe it to be true. The reason this verification is made by me and not by

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: GREENTREE REALTY, LLC,

Petitioners/Plaintiffs, Index No.: 11872/05

The name signed must be printed beneath

STATE OF

COUNTY OF

ss.:

I, -against-

being duly sworn, depose and say: I am
in the within action: I have read

☐ Individual
Verification

the VILLAGE OF CROTON-ON-HUDSON, THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF
CROTON-ON-HUDSON, THE VILLAGE OF CROTON-
ON-HUDSON ZONING BOARD OF APPEALS, and
DANIEL O'CONNOR, in his official capacity as the
VILLAGE BUILDING INSPECTOR, to be alleged upon information and belief. and as to those matters I believe
it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

☐ Corporate
Verification

THE VILLAGE OF CROTON-ON-HUDSON, THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF
CROTON-ON-HUDSON, THE VILLAGE OF CROTON-
ON-HUDSON ZONING BOARD OF APPEALS, and
DANIEL O'CONNOR, in his official capacity as the
VILLAGE BUILDING INSPECTOR, to be alleged upon information and belief. and as to those matters I believe
it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Respondents/Defendants.

OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE ANSWER

Sworn to before me on

The name signed must be printed beneath

STATE OF

COUNTY OF

ss.: (If both boxes are checked—indicate after names, type of service used.)

I,
of age and reside at
On

being sworn, say; I am not a party to the action, am over 18 years

☐ Service
By Mail

by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care
and custody of the U.S. Postal Service within this State, addressed to each of the following persons at the last
known address set forth after each name:

☐ Personal
Service on
Individual

by delivering a true copy thereof personally to each person named below at the address indicated. I knew each person
served to be the person mentioned and described in said papers as a party therein:

Sworn to before me on

The name signed must be printed beneath